

Ms. Becca Conklin  
Department of Ecology  
PO Box 47600  
Olympia, WA 98503-7600

Dear Ms. Conklin,

On behalf of our members, the Washington Public Ports Association (WPPA) respectfully offers the following comments on Ecology's proposed Water Quality Standards.

Port districts are created by the state to protect and preserve the public interest in access to commerce and to promote job growth through economic opportunity. Driven by this mission, ports have a long and distinguished record of advancing the economic interests of the State of Washington. Likewise, their role as stewards of land and water resources combines with the direct, elected accountability of our commissioners to demand that ports fully comply with environmental protection regulations. In this context, it is not surprising that ports have spent huge sums to acquire lands contaminated with toxic chemicals by other parties to ensure they are restored to health and productive use. Port districts are partners in environmental stewardship with the State of Washington for the long run.

WPPA commented on the previous water quality standards proposal and continues to prefer it. We have closely monitored the development of the proposed standards. We thanked the Governor for recognizing that inserting a  $1 \times 10^{-6}$  excess cancer risk rate into a complex formula will not produce the real life public health benefits hoped for by its advocates. We were encouraged by decisions to recognize the practical challenges posed by the ubiquitous contaminants arsenic, polychlorinated biphenyls (PCBs) and mercury and provisions to address them accordingly. Our members welcomed the leadership provided by Governor Inslee as evidenced in the previous rule-making proposal.

Furthermore, Ports worked to pass the Governor's proposed source control legislation because we believe that it is both more efficient and cost effective than further "end of pipe" regulations. We were disappointed by the failure of the legislation in 2015, but continue to be committed to practical solutions.

However, the new water quality standards raise a number of difficult questions. These questions include:

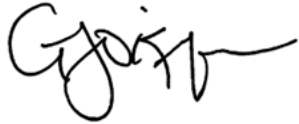
- As detection methods are inevitably improved, how will permittees be expected to achieve compliance under the proposal?
- What "reasonably available" technology will result in compliance?
- How can Ecology propose to use waivers and variances to achieve compliance when the processes to secure these tools are wholly untested and inherently contentious?
- How will increased demand for administrative action on the Water Quality Program be addressed without damaging its ability function?

We are dismayed to have not yet heard credible answers to these fundamental questions.

Because the consequences of the proposed rule are so uncertain, WPPA expects a proposal of this far-reaching nature to provide a concrete, realistic framework for how they will be addressed. We are deeply concerned that the proposed rule does not clearly establish such a framework.

For these reasons ask you to revert to previously proposed rule language for water quality standards.

Respectfully,

A handwritten signature in black ink, appearing to read "Gerry O'Keefe", with a stylized flourish extending to the right.

Gerry O'Keefe  
Senior Director, Environmental Affairs